

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sara Griffin	Team: Squad #4	CCRB Case #: 201810378	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 10/20/2018 3:00 AM	Location of Incident: [REDACTED]	Precinct: 67	18 Mo. SOL 4/20/2020	EO SOL 12/5/2020	
Date/Time CV Reported Fri, 12/07/2018 1:11 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 12/07/2018 1:11 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Christian Cayenne	02135	954620	PBBS SU
2. SGT Brian Alexander	03185	948599	PBBS SU
3. POM James Holder	18361	951823	103 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Brian Alexander	Abuse: Sergeant Brian Alexander stopped the vehicle in which § 87(2)(b) was an occupant.	[REDACTED]
B.POM Christian Cayenne	Abuse: Police Officer Christian Cayenne stopped the vehicle in which § 87(2)(b) was an occupant.	[REDACTED]
C.POM James Holder	Abuse: Police Officer James Holder stopped the vehicle in which § 87(2)(b) was an occupant.	[REDACTED]
D.POM James Holder	Discourtesy: Police Officer James Holder spoke discourteously to an individual.	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]

Case Summary

On December 7, 2018, § 87(2)(b) called the CCRB and filed the following complaint. On October 20, 2018, at approximately 3:00 a.m., § 87(2)(b) was driving alone when he was pulled over by Sergeant Brian Alexander, Police Officer Christian Cayenne, and Police Officer James Holder of the Patrol Borough Brooklyn South Specialized Unit in front of 1423 Nostrand Avenue in Brooklyn (**Allegations A-C: Abuse of Authority-Vehicle Stop, § 87(2)(g)**). A group of unidentified acquaintances of § 87(2)(b) observed the vehicle stop and congregated on the sidewalk nearby. The acquaintances allegedly engaged in a verbal exchange with the officers. While driving away, PO Holder allegedly called one of the unidentified acquaintances a “fat boy” (**Allegation D: Discourtesy-Word, § 87(2)(g)**). § 87(4-b), § 87(2)(g)

§ 87(2)(b) No summonses were issued or arrests made during the incident.

There is cell phone video capturing a portion of the incident.

Findings and Recommendations

Allegation A- Abuse of Authority: Sergeant Brian Alexander stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation B- Abuse of Authority: Police Officer Christian Cayenne stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation C- Abuse of Authority: Police Officer James Holder stopped the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that § 87(2)(b) attempted to park in front of the Meat Place located at 1423 Nostrand Avenue when an unmarked vehicle pulled up behind and activated its lights.

§ 87(2)(b) testified (Board Review 1) that he was driving alone on Martenese Street before turning left onto Nostrand Avenue in Brooklyn. § 87(2)(b) utilized his left blinker when he conducted the turn onto Nostrand Avenue. After being pulled over, § 87(2)(b) inquired the reason for the stop and PO Holder informed § 87(2)(b) that he had failed to signal when turning onto Nostrand Avenue.

PO Cayenne testified (Board Review 2) that § 87(2)(b) failed to signal after pulling out of a parking spot on Brooklyn Avenue. PO Cayenne stated a summons was not issued since it was a minor traffic infraction that did not result in an accident and that Anti-Crime officers are typically looking to address more serious crimes and offenses and do not want to be taken away from the streets for Traffic Court. PO Cayenne’s memo book (Board Review 3) has a fly page entry indicating § 87(2)(b) was pulled over for failing to indicate on Brooklyn Avenue and Church Avenue.

PO Holder and Sgt. Alexander (Board Review 4 and 5) did not recall the vehicle stop and did not remember the reason § 87(2)(b) had been pulled over.

A cell phone video (Board Review 6) was provided by § 87(2)(b) to the investigation. The video was recorded by one of the unidentified acquaintances. At approximately 35 seconds, the officers are heard stating that § 87(2)(b) had been pulled over for failing to signal.

§ 87(2)(g)

Allegation D- Discourtesy: Police Officer James Holder spoke discourteously to an individual.

§ 87(2)(b) testified (Board Review 1) that his acquaintances congregated on the sidewalk and engaged in a verbal exchange with the officers. After warning and admonishing § 87(2)(b) the officers returned inside of their vehicle. While driving away, the driver of the unmarked vehicle, PO Holder, yelled out the window that one of the acquaintances, only known as “Johnny”, was a “fat boy.” § 87(2)(b) refused to provide the legal name and contact information for “Johnny.”

PO Holder testified (Board Review 4) that he was the driver of the unmarked vehicle. PO Holder did not recall calling one of § 87(2)(b) acquaintances a “fat boy.”

PO Cayenne and Sgt. Alexander (Board Review 2 and 5) denied hearing PO Holder call one of the acquaintances a “fat boy.”

The cell phone video did not capture the allegation.

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- PO Holder has been a member of service for seven years and has been a subject in seven CCRB complaints and 17 allegations, of which one were substantiated (Board Review 11):
 - 201502028 involved a substantiated allegation of discourtesy against PO Holder. The Board recommended formalized training and the NYPD imposed command level instructions.
 - § 87(2)(g)
- Sgt. Alexander has been a member of service for eight years and has been a subject in 15 CCRB complaints and 43 allegations, of which seven were substantiated (Board Review 12):
 - 201502721 involved substantiated allegations of vehicle stop, vehicle search, frisk, refusal to provide name/shield, search of person, question, § 87(4-b), § 87(2)(g) against Sgt. Alexander. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A.
 - § 87(2)(g)
- PO Cayenne has been a member of service for five years and has been a subject in eight CCRB complaints and 30 allegations, none of which were substantiated. § 87(2)(g) (Board Review 13).

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- On March 28, 2019, a request was sent to the Office of the New York City Comptroller for any notice of claim filed by § 87(2)(b) regarding the incident. The results will be added to the case file upon their receipt.

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date